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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

First Named Inventor: Corts

Art Unit: 3622

Application Number: 09/802,469

Examiner: Champagne, Donald

Filed: 3/9/2001

Title:

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703)305-9382.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

- (1) Petition fee.
- (2) Adequate showing of the cause of unavoidable delay.

**1. Petition fee**

☐ Small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(l)) Applicant claims small entity status..  
See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(l)).

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of

(identify the type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_

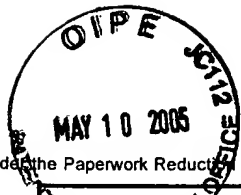
- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

(Page 1 of 3)

This collection of information is required by 37 CFR 1.137(a) The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

05/11/2005 MAHRED1 00000048 09802469 250.00 0P  
01 FC:2452



**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

**3. Terminal disclaimer with disclaimer fee**

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ or a small entity or  
(see PTO/SB/63). \_\_\_\_\_ er than a small entity) disclaiming the required period of time enclosed herewith

**4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.**

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorize on PTO-2038.**

5/7/05  
Date

Paul Signorelli  
Signature

917-577-0965  
Telephone Number

Paul Signorelli  
Typed or printed name

\_\_\_\_\_  
Registration Number, if

241 East 76<sup>th</sup> St, 2D  
Address

NY NY 10021  
Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unavoidable

☐ \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

5/7/05  
Date

Paul Signorelli  
Signature

Paul Signorelli  
Typed or printed name of person signing certificate

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

*(Please attach additional sheets if additional space is needed.)*



Under the Trademark Extension Act of 1992, no parties are required to respond to a trademark extension notice if compliance with the Act is not required for the trademark.

**PARTIAL FOR RENEWAL OF AN APPLICATION FOR PATENT (SEE 37 CFR 1.53)**

**NOTE:** The following showing of the cause of unavoidable delay must be signed by an applicant or by any other party who is presenting statements concerning the cause of delay.

4/8/05  
Date

Paul Signorelli  
Signature

Paul Signorelli  
Typed (by printed name)

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

Please see attached Declaration of Paul Signorelli (3 pages)

DAVID COFFS

[Signature]

4/4/05

BRUCE WELLS

[Signature]

4/4/05

LEE HUNTER

[Signature]

4/4/05

Terrance Snyder

[Signature]

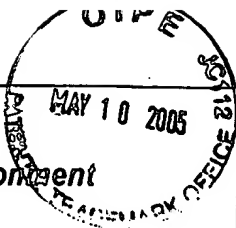
4/9/05

(Please attach additional sheets if additional space is required.)

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: An Office action mailed on 15 June 2004 was returned to the Office as undeliverable. I telephoned the attorney of record for inventor Corts in another application, asking that the inventors call me if they wanted to pursue the instant application. Inventor Signorelli telephoned me in reply. Inventor Signorelli instructed me to remail the Office action to him at 241 East 76th Street, Apt. 2D, NY NY 10021. I advised Mr. Signorelli that they must file a change of address form and also, if they pursue this application without an attorney or agent, every inventor must sign correspondence with the Office.

DLC  
12-18-04

**Notice of Abandonment**



Application No.

09/802,469

Examiner

Donald L. Champagne

Applicant(s)

CORTS ET AL.

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 15 June 2004.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

The subject letter was returned to the Office as undeliverable. In a 7 December 2004 interview, the examiner told applicant Signorelli that the 15 June 2004 action could be re-mailed, but the examiner has since been told that that is not correct because applicant failed to provide the Office with a current address. Applicant may petition under 37 CFR 1.137 to have the application revived. See MPEP 711.03(c).

**DONALD L. CHAMPAGNE**  
**PRIMARY EXAMINER**

Donald L. Champagne  
Primary Examiner  
Art Unit: 3622

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

## DECLARATION OF PAUL SIGNORELLI

The inventors continue to prosecute this application pro se.

References below to the "Examiner's Interview Summary" refer to Examiner's Donald Champagne's summary of the telephonic interview of December 7, 2004 between the Examiner and inventor Paul Signorelli. A copy of Examiner's Champagne's interview summary (Paper No. 20041218) is attached. According to public PAIR, Examiner's Champagne's interview summary was mailed to applicants on December 7, 2004. [See, attached copy of the Public PAIR Image File Wrapper record for this application]

The Office Action mailed 15 June 2004 never reached applicants because it was not mailed to the proper address for applicants. [See, Examiner's Interview Summary]. The Examiner diligently tracked down the inventors and informed them of the Office Action in an interview with Paul Signorelli [See, Examiner's Interview Summary], which was greatly appreciated. Then during the December 7 interview, Inventor Signorelli provided the Examiner with the proper address for correspondence with applicants. [See, Examiner's Interview Summary]

The Examiner advised Inventor Signorelli that the Office Action would be re-mailed to applicants at the proper address. [See, Examiner's Interview Summary and also the Notice of Abandonment mailed February 23, 2005, paper no. 20050219]. The Examiner did promptly mail copies of the outstanding Office Action and the Examiner's Interview Summary to applicants at this address, which applicants greatly appreciated.

During the interview, the Examiner also informed Inventor Signorelli that the time for responding to the outstanding Office Action would be reset to December 18, 2004, rather than its original date of June 15, 2004. [See, Examiner's Interview Summary and also the Notice of Abandonment mailed February 23, 2005]. The Examiner informed Inventor Signorelli that consequently a response could be filed within three months without payment (i.e. by March 18, 2005) or within up to six months with payment for an extension (up to June 18, 2005).